

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**MCGINNES INDUSTRIAL
MAINTENANCE CORPORATION,**

Plaintiff,

VS.

**THE PHOENIX INSURANCE
COMPANY AND THE TRAVELERS
INDEMNITY COMPANY,**

Defendants.

CIVIL ACTION NO. 4:11-cv-04000

JOINT NOTICE OF SETTLEMENT

Plaintiff McGinnes Industrial Maintenance Corporation and Defendants The Phoenix Insurance Company and The Travelers Indemnity Company jointly notify the Court that the parties have agreed to resolve the above-styled litigation, subject to the finalization of settlement documentation.

Respectfully submitted,

PERDUE & KIDD

By: /s/ Jodi Spencer Johnson
Donald H. Kidd
State Bar No. 11383100
510 Bering Drive, Suite 550
Houston, Texas 77057
713-520-2500
713-520-2525 – Fax
dkidd@perdueandkidd.com

Jodi Spencer Johnson (pro hac vice)
Thacker Martinsek LPA
2330 One Cleveland Center
1375 East Ninth St.
Cleveland, Ohio 44114
216-456-3840
216-456-3850 – Fax
jjohnson@tmlpa.com

ATTORNEY-IN-CHARGE FOR PLAINTIFF
MCGINNES INDUSTRIAL CORPORATION

ANDREWS KURTH LLP

By: /s/ J. Wiley George
J. WILEY GEORGE
State Bar No. 0780544
Southern District ID No. 14274
600 Travis, Suite 4200
Houston, Texas 77002
713-220-3928
713-238-7477 – Fax
wileygeorge@andrewskurth.com

ATTORNEY-IN-CHARGE FOR DEFENDANTS
THE PHOENIX INSURANCE COMPANY and
THE TRAVELERS INDEMNITY COMPANY

OF COUNSEL:

ANDREWS KURTH LLP
COURTNEY E. ERVIN
State Bar No. 24050571
Southern District ID No. 611093
courtneyervin@andrewskurth.com

CERTIFICATE OF SERVICE

This is to certify that on the 6th day of May, 2016, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following counsel of record:

Donald H. Kidd
Perdue & Kidd
510 Bering, Suite 550
Houston, Texas 77057

Joseph P. Thacker
Thacker Martinsek LPA
3235 Levis Commons Blvd.
Perrysburg, Ohio 43551

Jodi Spencer Johnson
Thacker Martinsek LPA
2330 One Cleveland Center
1375 East Ninth St.
Cleveland, Ohio 44114

/s/ Courtney E. Ervin

COURTNEY E. ERVIN